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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 DANIEL NIX,

13 Defendant.
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Case No. CR17-105RSL

ORDER

15 This matter comes before the Court on defendant's "Renewed Motion for Enlargement of
16 Time to File Dispositive Motions, Motion to Reset Trial Date, Motion to Lift Protective Order in
17 Its Entirety." Dkt. # 93." Trial in this case was originally set for June 26, 2017. After four
18 continuances and more than a year, trial is currently set for Monday, August 6, 2018. In this
19 motion, defendant seeks yet another continuance, requests an extension of the pretrial motions
20 deadline, and moves to lift the Discovery Protective Order in place to protect certain third-party
21 private information.

22 Whether to grant a continuance is a matter committed to a district court's discretion.
23 Ungar v. Sarafite, 376 U.S. 575, 589 (1964). In making that determination, the Court weighs the
24 defendant's diligence, the usefulness of a continuance, the degree of inconvenience from a
25 continuance, and a denial's potential prejudice to the defendant. United States v. Zamora-
26 Hernandez, 222 F.3d 1046, 1049 (9th Cir. 2000). Defendant has had ample time to prepare for
27 trial, and there remains more time still. Given the numerous continuances in this case, defendant
28 gives no reason why an additional continuance would be useful. Furthermore, the Court

1 concludes defendant is unlikely to suffer prejudice by the denial of another continuance. The
2 Court concludes a fifth continuance is not warranted.

3 Defendant also requests an extension of time for filing pretrial motions. The government
4 does not oppose this request. The Court will accordingly extend the deadline for filing pretrial
5 motions until July 26, 2018.

6 Defendant also moves to lift the Discovery Protective Order entered by the Court
7 concerning third parties' personal and private information that is included in the government's
8 discovery disclosures. See Fed. R. Crim. P. 16(d)(1) (providing that "the court may, for good
9 cause, deny, restrict, or defer discovery or inspection, or grant other appropriate relief"). The
10 Court has twice amended the Protective Order in an effort to accommodate defendant and
11 alleviate inconveniences the Order may have placed on the ease of reviewing that discovery. See
12 Dkt. ## 77, 99. The Court concludes that the Protective Order remains appropriate.

13 For the foregoing reasons, defendant's motion to continue trial and his motion to lift the
14 Discovery Protective Order are DENIED. Defendant's request that the pretrial motions deadline
15 be extended is GRANTED. Pretrial motions shall be filed by July 26, 2018.

16 DATED this 17th day of July, 2018.

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20 Robert S. Lasnik
21 United States District Judge
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